

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Applicant: James V. LUCIANI  
Title: NON-BROADCAST MULTIPLE ACCESS INVERSE NEXT  
HOP RESOLUTION PROTOCOL (INHRP)  
Examiner: Brian T. O'CONNOR  
Group Art Unit: 2475  
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APPEAL BRIEF

Sir:

This Appeal Brief is submitted in support of the Pre-Appeal Brief Request for Review and Notice of Appeal filed November 27, 2012, and in response to the Final Office Action dated September 11, 2012 and Notice of Panel Decision from Pre-Appeal Brief Request for Review dated January 9, 2013, wherein Applicants appeal from the Examiner's rejection of Claims 91-94, 96-118, 120, 121 and 123-145. Applicant submits a one-month extension of time to respond to the Notice of Panel Decision from Pre-Appeal Brief Request for Review, extending the due date for response to March 9, 2013.

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## **I. REAL PARTY IN INTEREST**

The real party in interest is Rockstar Consortium US LP.

## **II. RELATED APPEALS AND INTERFERENCES**

None.

## **III. SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention, as recited in independent Claims 91, 118 and 143, is directed to methods and systems to obtain information transmitted between a source station and a destination station in a non-broadcast multiple (NBMA) network, as explained throughout Applicant's specification, including the Summary.

Independent Claim 91 recites a method that includes establishing a connection between a source station and a server for a destination station. Page 7, lines 1 and 2. The server includes a server cache containing information. Page 7, lines 2 and 3. The information at least partially includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses to resolve an internetwork address. Page 7, lines 19-21, page 9, lines 15-17. The method also includes transmitting a request packet having parameters relating to the information to the server. Page 7, lines 3 and 4. A reply packet containing the information from the server is received. Page 7, lines 4-6. The reply packet matches the parameters of the request packet. Page 7, line 6.

Independent Claim 118 recites a system that includes a server operating in a non-broadcast multiple access network (NBMA). Page 6, line 23 to page 7, line 3. The server includes a server cache containing information on a destination station. Page 7, lines 2 and 3. The information at least partially includes a mapping of NBMA subnetwork layer addresses to

internetwork layer addresses to resolve an internetwork address of the destination station. Page 7, lines 19-21, page 9, lines 15-17. The system includes a source station coupled to the server via a connection to obtain the information. The source station transmits a request packet to the server. Page 7, lines 3 and 4. The request packet has parameters relating to the information. Page 7, lines 3 and 4. Further, the server transmits a reply packet containing the information to the source station. Page 7, lines 4-6. The reply packet matches the parameters of the request packet. Page 7, line 6.

Independent Claim 143 recites a method that includes establishing a connection with a server for a destination station. Page 7, lines 1 and 2. The server includes a cache that includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses. Page 7, lines 2 and 3, Page 7, lines 19-21, page 9, lines 15-17. A first packet requesting resolution of an internetwork layer address for a destination station using an Inverse Next Hop Resolution Protocol (InNHRP) is received. Page 12, lines 1-3. A second packet is returned in reply to the first packet. Page 12, lines 4-6. The second packet contains a protocol address for the destination station. Page 12, lines 5-7.

#### **IV. ARGUMENT**

For the convenience of the Honorable Board, dependent Claims 93, 94, 96-106, 108-110 and 113-117 stand or fall with independent Claim 91. Dependent Claims 120, 121, 123-131, 133, 134, 136 and 138-142 stand or fall with independent Claim 118. Dependent Claims 144 and 145 stand or fall with independent Claim 143. The patentability of dependent Claims 107, 111, 112, 132, 135 and 137 are argued on their own merits.

The invention is directed to methods and systems for obtaining information transmitted between a source and destination in a non-broadcast (NBMA) network. As explained in Applicant's specification at least at page 6, lines 10-13, an NBMA network is a media dependent layer, such as an ATM, X.25, or SMDS subnetwork, underlying an internetwork layer. These subnetworks are characterized by the data being encoded into fixed sized cells, in contrast to an IP protocol, having variable sized packets. An internetwork layer is a media independent layer such as an TCP/IP network, which has variable sized packets. In operation, a connection is established between the source and a server. The server includes a server cache containing information that includes a mapping of NBMA subnetwork addresses to internetwork layer addresses to resolve an internetwork address. The source station transmits a request packet to the server that contains parameters relating to the mapping information. The request requests resolution of an internetwork layer address. Address resolution is achieved by matching appropriate fields in the request packet with the mappings. The source station receives a reply packet from the server that contains the mapping information, which identifies the internetwork address of the destination. See Applicant's specification at least at page 7, lines 1-6 and lines 21-24, page 17, lines 13-16.

**A. The Rejection of Claims 91-94, 96, 118, 120, 121 and 123 under 35 U.S.C.**

**§103(a)**

On page 3 of the Office Action, Claims 91-94, 96, 118, 120, 121 and 123 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa *et al.* (U.S. Patent No: 6,009,102; hereinafter referred to as “Horikawa”) in view of Borella *et al.* (U.S. Patent No: 6,269,099 B1, hereinafter referred to as “Borella”). Applicant respectfully submits that the rejections are in error and should be reversed.

**Independent Claims 91 and 118**

Claims 91 and 118 recite “a mapping of NBMA subnetwork layer addresses to internetwork layer addresses to resolve an internetwork address.” These features are not disclosed or suggested by Horikawa or Borella, whether considered individually or in combination.

The Office Action admits that these features are not disclosed by Horikawa. Office Action, page 4. Applicant agrees that Horikawa fails to teach or suggest these features. Rather, the Office Action relies on the Discovery Table, Peer Host, and Peer of Borella as allegedly disclosing these features. Office Action, page 4. Borella does not. In particular, the Office Action equates the mapping of Applicant’s claims to Borella’s discovery table, equates the NBMA subnetwork layer addresses of Applicant’s claims with Borella’s peer host table column, and equates the internetwork layer addresses of Applicant’s claims to Borella’s peer table column. These conclusions are in error.

As to the discovery table of Borella, a first column of the table is used to store network addresses for peer network devices. Borella, FIG. 3B, element 56. A second column is used to store network addresses for host network devices associated with the peer network devices.

Borella, FIG. 3b, element 58. Borella does not disclose or suggest that the network addresses for the peer network devices are NBMA subnetwork layer addresses and does not disclose or suggest that the network addresses for the host network addresses are internetwork layer addresses, or vice versa.

As explained in Applicant's specification at least at page 6, an internetwork layer is a media independent layer such as the Internet Protocol of a TCP/IP network and a subnetwork layer is a media-dependent layer underlying the internetwork layer. Thus, Applicant's claims map media-dependent NBMA subnetwork layer addresses to media independent network layer addresses. This is not disclosed or suggested by Borella. Borella, at most, teaches mapping of a network address of a peer network device to a network address of a peer host device. Borella, col. 6, ll. 51-60. In other words, the mapping of Borella is between network devices across the same network layer, whereas Applicant's mapping is between devices across different network layers.

Therefore, Horikawa and Borella, whether considered individually or in combination, fail to teach or suggest "a mapping of NBMA subnetwork layer addresses to internetwork layer addresses," as recited in Claims 91 and 118. Hence, Claims 91 and 118 are allowable, and their rejections should be reversed.

Dependent Claims 92-94, 96, 120, 121 and 123

Claims 92-94, 96, 120, 121 and 123 are allowable, at least by virtue of their dependency from an allowable claim, and their rejections should be reversed.

**B. The Rejection of Claims 97-117 and 121-142 under 35 U.S.C. §103(a)**

On page 8 of the Office Action, Claims 97-116 and 124-141 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa in view of Borella and further in view of

Cox *et al.* (U.S. Patent No: 6,189,041 B1; hereinafter referred to as “Cox”). On page 35 of the Office Action, Claims 117 and 142 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa in view of Borella and further in view of Cox and further in view of Beser (U.S. Patent No: 6,442,158 B1; hereinafter referred to as “Beser”). Applicant respectfully traverses the rejections.

Dependent Claims 97-117 and 124-142

Claims 97-117 depend from Claim 91 and Claims 124-142 depend from Claim 118. As explained above, Horikawa and Borella fail to teach or suggest at least one element of Claims 91 and 118. Cox and Beser fail to teach or suggest the elements of Claims 91 and 118 not disclosed or suggested by Horikawa and Borella. For example, Cox and Beser fail to teach or suggest “a mapping of NBMA subnetwork layer addresses to internetwork layer addresses,” as recited in Claims 91 and 118. Cox is cited as disclosing, *inter alia*, that a protocol packet includes a fixed part and a mandatory part. Office Action, page 8. Beser is cited as disclosing that an extension TLV triplet contains vendor private information. Office Action, page 35. Cox and Beser are not cited as disclosing, and fail to disclose or suggest, mapping a subnetwork layer addresses to internetwork layer addresses.

Therefore, Horikawa, Borella, Cox and Beser, whether considered individually or in combination, fail to teach or suggest at least one element of Claims 91 and 118, from which Claims 97-117 and 124-142 depend. Hence, Claims 97-117 and 124-142 are allowable, at least by virtue of their dependency from an allowable claim. Further, these claims recite additional elements not disclosed or suggested by the cited references, and therefore, the patentability of these dependent claims should be considered on their own merits.



#### Dependent Claims 107 and 132

For example, Claims 107 and 132 recite that a “common header further comprises a source NBMA address field specifying the source NBMA address, a source NBMA sub-address field specifying the source NBMA sub-address, a source protocol address field specifying a source protocol address of the source station, and a destination protocol address field specifying a destination protocol address of one of the destination station and the server.” The Office Action relies on Cox, FIG. 5, as purportedly disclosing these features. Office Action, pages 14 and 15. In particular, the Office Action incorrectly identifies the “next-hop MAC address” field 505 as the source NBMA address and incorrectly identifies the “LAN type” field 507 as the source NBMA subaddress,. These identifications are incorrect because the next hop MAC address is not a source NBMA address, and a LAN type is not an NBMA subaddress. For at least these reasons, Claims 107 and 132 are allowable, and their rejections should be reversed.

#### Dependent Claims 112 and 137

As another example, Claims 112 and 137 recite that a “flag of the registration request packet comprises at least a uniqueness value specifying that a registration of the information is unique.” The Office Action relies on Cox, col. 6, ll. 1-10, as purportedly disclosing these features. Office Action, page 19. However, no such uniqueness value is disclosed or suggest by Cox. Rather, the cited portions of Cox merely describe that a data packet has a structure defined in NHRP. For at least these additional reasons, Claims 112 and 137 are allowable, and their rejections should be reversed.

#### Dependent Claims 111 and 135

As yet another example, Claims 111 and 135 recite that “the flag of the resolution request packet comprises at least one of a station type specifying whether the source station is a router or

a host, a uniqueness value specifying that only a CIE matching the parameters and having the same uniqueness value is included in the reply packet, and a guarantee value specifying that a binding of the information is guaranteed stable and accurate.” The Office Action relies on Cox, col. 6, ll. 1-10, and col. 8, ll. 60-66, as allegedly disclosing these features. Office Action, page 30. However, the cited passages of Cox are silent concerning a uniqueness value and are silent concerning a guarantee value specifying that a binding of the information is guaranteed stable and accurate. For at least these additional reasons, Claims 111 and 135 are allowable, and their rejections should be reversed.

**C. The Rejection of Claim 143 under 35 U.S.C. §103(a)**

On page 36 of the Office Action, independent Claim 143 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa in view of Takahashi *et al.* (U.S. Patent No: 6,205,148 B1; hereinafter referred to as “Takahashi”) and in view of Borella. Applicant respectfully submits that the rejection is in error and should be reversed.

**Independent Claim 143**

Claim 143 recites “the server including a cache that includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses.” As explained above, these features are not disclosed by Horikawa and Borella. Takahashi fails to cure the deficiencies of Horikawa and Borella. Takahashi is cited as purportedly disclosing resolution of an internetwork layer address for a destination station using an inverse next hop resolution protocol. Office Action, page 37. However, the address resolved by the system of Takahashi is the address of an intermediate router, not the address of the destination. Takahashi, col. 10, ll. 43-66. Takahashi is not cited as disclosing, and fails to disclose or suggest “the server including a cache that includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses,” as

recited in Claim 143. Therefore, Horikawa, Borella and Takahashi, whether considered individually or in combination, fail to teach or suggest at least one element of Claim 143. Hence, Claim 143 is allowable and reversal of its rejection is respectfully requested.

**D. The Rejection of Claims 144 and 145 under 35 U.S.C. §103(a)**

On page 38 of the Office Action, dependent Claims 144 and 145 are rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Horikawa in view of Takahashi and further in view of Borella and further in view of Cox. Applicant respectfully traverses the rejections.

**Dependent Claims 144 and 145**

Claims 144 and 145 depend from Claim 143. As explained above, Horikawa, Takahashi, Borella and Cox fail to teach or suggest “the server including a cache that includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses,” as recited in Claim 143. Hence, Claims 144 and 145 are allowable, at least by virtue of their dependency from an allowable claim.

**Conclusion**

For the reasons provided above as well as provided in the record, the claim rejections are believed to be improper and a result of clear error by the Examiner. Accordingly, the pending claims are believed to be in condition for allowance, and reversal of the rejections in the Final Office Action is respectfully requested.

Of note, Applicant’s undersigned representative is registered to practice before the United States Patent & Trademark Office. In accordance with 37 C.F.R. § 1.34 and M.P.E.P. § 405, the signature of Applicant’s undersigned representative is representation that he is authorized to represent Applicant and the assignee on whose behalf he is acting.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No: 502104.

Respectfully submitted,

Date: March 8, 2013

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## **V. CLAIMS APPENDIX**

91. A method to obtain information transmitted between a source station and a destination station in a non-broadcast multiple access (NBMA) network, comprising:

establishing a connection between the source station and a server for the destination station, the server including a server cache containing the information that at least partially includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses to resolve an internetwork address:

transmitting a request packet having parameters relating to the information to the server;  
and

receiving a reply packet containing the information from the server, the reply packet matching the parameters of the request packet.

92. The method of Claim 91 wherein the information comprises the internetwork layer address of the destination station.

93. The method of Claim 91 wherein the information further comprises an instance of a resource information.

94. The method of Claim 93 wherein the resource information comprises a resource availability and an upper layer address information.

96. The method of Claim 92 wherein the request packet and the reply packet are instances of a protocol packet.

97. The method of Claim 96 wherein the protocol packet comprises a fixed part and a mandatory part.

98. The method of Claim 96 wherein the protocol packet further comprises an extensions part.

99. The method of Claim 98 wherein the fixed part comprises a type field specifying a packet type and an extension offset field specifying if the extension part exists and a location of the extension part if the extension part exists.

100. The method of Claim 99 wherein the fixed part further comprises at least one of a link layer address field specifying a type of link layer addresses being carried, a type and length of source address field specifying a type and length of a source NBMA address, and a type and length of source sub-address field specifying a type and length of a source NBMA sub-address.

101. The method of Claim 99 wherein the packet type is one of a resolution request type, a resolution reply type, a registration request type, and a registration reply type.

102. The method of Claim 101 wherein the request packet is one of a resolution request packet and a registration request packet, the resolution and the registration request packets corresponding to the resolution and registration request types, respectively.

103. The method of Claim 101 wherein the reply packet is one of a resolution reply packet and a registration reply packet, the resolution and the registration reply packets corresponding to the resolution and registration reply types, respectively.

104. The method of Claim 97 wherein the mandatory part comprises a common header.

105. The method of Claim 104 wherein the mandatory part further comprises at least a client information entry (CIE).

106. The method of Claim 104 wherein the common header comprises at least one of a flag field specifying a flag and a request identification (ID) field specifying a request ID.

107. The method of Claim 106 wherein the common header further comprises a source NBMA address field specifying the source NBMA address, a source NBMA sub-address field specifying the source NBMA sub-address, a source protocol address field specifying a source protocol address of the source station, and a destination protocol address field specifying a destination protocol address of one of the destination station and the server.

108. The method of Claim 105 wherein the CIE comprises a code field specifying an acknowledgment of the request packet in the reply packet, a maximum transmission unit field specifying a maximum transmission unit and a holding time field specifying a holding time for which data in the CIE are valid.

109. The method of Claim 108 wherein the CIE further comprises a client address time and length field specifying a time and length of a client address interpreted by the link layer address field in the fixed part, a client sub-address time and length field specifying a time and length of a client sub-address interpreted by the link layer address field in the fixed part, a client NBMA address field specifying a client NBMA address, a client NBMA sub-address field specifying a client NBMA sub-address, and a client protocol address field specifying a client internetworking layer address.

110. The method of Claim 106 wherein the flag of the resolution request packet comprises at least one of a station type specifying whether the source station is a router or a host, a uniqueness value specifying that only a CIE matching the parameters and having the same uniqueness value is included in the reply packet, and a guarantee value specifying that a binding of the information is guaranteed stable and accurate.

111. The method of Claim 106 wherein the flag of the resolution reply packet comprises at least one of a station type specifying whether the source station is a router or a host, a destination value specifying that an association of information between the destination and source stations is guaranteed stable within the holding time, a uniqueness value specifying that only a CIE matching the parameters and having the same uniqueness value is included in the reply packet, and a guarantee value specifying that a binding of the information is guaranteed stable and accurate.



112. The method of Claim 106 wherein the flag of the registration request packet comprises at least a uniqueness value specifying that a registration of the information is unique.

113. The method of Claim 98 wherein the extension part comprises at least an extension type-length-value (TLV) triplet.

114. The method of Claim 113 wherein the extension TLV triplet in the protocol packet contains information regarding one of an internetwork layer address of a station, an internet protocol (IP) address of the destination station, an availability of an upper layer protocol resource, and an instance of an upper layer protocol resource.

115. The method of Claim 114 wherein the extension TLV triplet comprises at least one of a compulsory value specifying if the extension part is ignored, an extension type specifying an extension protocol being used, an extension value specifying an extension information, and an extension length specifying a length of an extension value.

116. The method of Claim 114 wherein the extension part is terminated by an end-of-extension TLV triplet.

117. The method of Claim 114 wherein the extension TLV triplet contains vendor private information including a vendor identification.

118. A system comprising:

a server operating in a non-broadcast multiple access network (NBMA), the server including a server cache containing information on a destination station, the information at least partially includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses to resolve an internetwork address of the destination station;

a source station coupled to the server via a connection to obtain the information, the source station transmitting a request packet to the server, the request packet having parameters relating to the information; and

wherein the server transmits a reply packet containing the information to the source station, the reply packet matching the parameters of the request packet.

120. The system of Claim 118 wherein the information further comprises an instance of a resource information.

121. The system of Claim 120 wherein the resource information comprises a resource availability and an upper layer address information.

123. The system of Claim 118 wherein the request packet and the reply packet are instances of a protocol packet.

124. The system of Claim 123 wherein the protocol packet comprises a fixed part and a mandatory part.

125. The system of Claim 123 wherein the protocol packet further comprises an extensions part.

126. The system of Claim 125 wherein the fixed part comprises a type field specifying a packet type and an extension offset field specifying a location of the extension part if the extension part exists.

127. The system of Claim 126 wherein the fixed part further comprises a link layer address field specifying a type of link layer addresses being carried, a type and length of source address field specifying a type and length of a source NBMA address, and a type and length of source sub-address field specifying a type and length of a source NBMA sub-address.

128. The system of Claim 126 wherein the mandatory part comprises a common header.

129. The system of Claim 128 wherein the mandatory part further comprises at least a client information entry (CIE).

130. The system of Claim 128 wherein the common header comprises at least one of a flag field specifying a flag and a request identification (ID) field specifying a request ID.

131. The system of Claim 130 wherein the packet type is one of a resolution request type, a resolution reply type, a registration request type, and a registration reply type. the request

packet being one of a resolution request packet and a registration request packet, the resolution and the registration request packets corresponding to the resolution and registration request types, respectively, and the reply packet being one of a resolution reply packet and a registration reply packet, the resolution and the registration reply packets corresponding to the resolution and registration reply types, respectively.

132. The system of Claim 130 wherein the common header further comprises a source NBMA address field specifying the source NBMA address, a source NBMA sub-address field specifying the source NBMA sub-address, a source protocol address field specifying a source protocol address of the source station, and a destination protocol address field specifying a destination protocol address of one of the destination station and the server.

133. The system of Claim 129 wherein the CIE comprises a code field specifying an acknowledgment of the request packet in the reply packet, a maximum transmission unit field specifying a maximum transmission unit and a holding time field specifying a holding time for which data in the CIE are valid.

134. The system of Claim 133 wherein the CIE further comprises at least two of a client address time and length field specifying a time and length of a client address interpreted by the link layer address field in the fixed part, a client sub-address time and length field specifying a time and length of a client sub-address interpreted by the link layer address field in the fixed part, a client NBMA address field specifying a client NBMA address, a client NBMA sub-

address field specifying a client NBMA sub-address, and a client protocol address field specifying a client internetworking layer address.

135. The system of Claim 131 wherein the flag of the resolution request packet comprises at least one of a station type specifying whether the source station is a router or a host, a uniqueness value specifying that only a CIE matching the parameters and having the same uniqueness value is included in the reply packet, and a guarantee value specifying that a binding of the information is guaranteed stable and accurate.

136. The system of Claim 131 wherein the flag of the resolution reply packet comprises at least one of a station type specifying whether the source station is a router or a host, a destination value specifying that an association of information between the destination and source stations is guaranteed stable within the holding time, a uniqueness value specifying that only a CIE matching the parameters and having the same uniqueness value is included in the reply packet, and a guarantee value specifying that a binding of the information is guaranteed stable and accurate.

137. The system of Claim 131 wherein the flag of the registration request packet comprises at least a uniqueness value specifying that a registration of the information is unique.

138. The system of Claim 125 wherein the extension part comprises at least an extension type-length-value (TLV) triplet.

139. The system of Claim 125 wherein the extension TLV triplet in the protocol packet contains information regarding one of an internetwork layer address of a station, an internet protocol (IP) address of the destination station, an availability of an upper layer protocol resource, and an instance of an upper layer protocol resource.

140. The system of Claim 139 wherein the extension TLV triplet comprises at least one of a compulsory value specifying if the extension part is ignored, an extension type specifying an extension protocol being used, an extension value specifying an extension information, and an extension length specifying a length of an extension value.

141. The system of Claim 139 wherein the extension part is terminated by an end-of-extension TLV triplet.

142. The system of Claim 139 wherein the extension TLV triplet contains vendor private information including a vendor identification.

143. A method to obtain information transmitted between a source station and a destination station in, comprising:

establishing a connection with a server for a destination station, the server including a cache that includes a mapping of NBMA subnetwork layer addresses to internetwork layer addresses:

receiving a first packet requesting resolution of an internetwork layer address for a destination station using an Inverse Next Hop Resolution Protocol (InNHRP); and

returning a second packet in reply to the first packet, the second packet containing a protocol address for the destination station.

144. The method of Claim 143 wherein the first packet and the second packet are instances of a protocol packet, the protocol packet comprises a fixed part, a mandatory part and an extension part.

145. The method of Claim 144 wherein the fixed part comprises a type field specifying a packet type and an extension offset field specifying a location of the extension part.